

Paid Communications 101: Election and Electioneering Communications

Montana campaign finance law protects the public's right to know who is paying to finance elections. Every Montanan must be able to look at any statewide political ad and be able to know who financed the material in addition to telling it apart from other, similar activities.

As a candidate or committee, you are required to disclose ad details to ensure transparency. You ensure Montanans elections remain transparent by reporting ads with enough detail so they are both distinguishable from other ads and are easily attributed back to their source.

All election and electioneering communications are legally required to include attribution that identifies the entity that paid for the communication.

What is an election communication?

An "election communication" means the following forms of communication to support or oppose a candidate or ballot issue:

- a paid advertisement broadcast over radio, television, cable, or satellite;
- a paid placement of content on the internet or other electronic communication network;
- a paid advertisement published in a newspaper or periodical or on a billboard;
- a mailing; or printed materials.

What is an electioneering communication?

An "electioneering communication" means a paid communication that is publicly distributed by radio, television, cable, satellite, website, newspaper, periodical, billboard, mail, or any other distribution of materials, that is made within 60 days of an election, that does not support or oppose a candidate or ballot issue, that can be received by more than 100 recipients in the district voting on the candidate or ballot issue, and that:

- Refers to one or more clearly-identified candidates in the election
- Depicts the name, image, likeness, or voice of a candidate
- Refers to a political party, ballot issue, or other question on the ballot.

Attribution (“Paid for By” information) and Reporting Requirements

What must the attribution say? The attribution must clearly identify the name and mailing address of the entity that paid for the communication. Committee attribution must also include the name of the Treasurer (see this [Attribution Information](#) page for more details).

For any paid communication, you must report the following details about the material:

- 1. Platform:** State the digital, radio, or print platform where your ad ran. Was it a Facebook ad? Was it published in the local newspaper? Did you buy a google ad? The medium or platform the ad ran on needs to be specified within the Purpose description on the financial report.
- 2. Quantities:** List the number of paid material or materials that ran. Did you run two ads in the local paper? Or boost five Facebook posts? Did you print 200 mailers? Did you pay for two billboards? Did you purchase 50 yard signs? The time frame, when available, must be reported. For example, a yard sign would not have a timeframe. Ads on Facebook or on a radio station run on a specific timeframe that must be reported (e.g. one boosted Facebook post on fiscal policy from June 8th-20th, 2019).
- 3. Description of the subject matter:** Did your ad highlight your education platform? Maybe it covered details about your agricultural policies? Or does your ad share the top five reasons Montanans should vote for you? You must report a description of the ad’s content. This description must be specific enough to distinguish it from other potentially similar ads. For example, if you run three radio ads, you must report a description of each ad’s content: Radio ad 1: listed my local contributions and community involvement, Radio ad 2: described my public lands policy, Radio ad 3: Detailed my tax policy.

Examples: How to Report a Unique Ad (an ad that runs once)

Let’s say your campaign purchased three different ads: a newspaper ad, a boosted Facebook post, and a mailer. Each individual advertisement must be reported in a campaign finance report with sufficient detail to be individually identifiable.

For example, you would need to report them as:

1. Newspaper ad in the Helena IR- “Education is important”- published xx/xx/xx only
2. Facebook post- “Outdoor rec is vital to MT’s economy”- posted xx/xx/xx-xx/xx/xx
3. Campaign mailer- candidate biography- 5,000 printed and mailed

Similarly, all election and electioneering communications are legally required to include attribution that identifies the entity that paid for the communication- this is commonly referred to as the “Paid for by.” Please see the "[Attribution Information](#)" COPP guide for more information regarding attribution requirements. All advertisements must include this required language!

Example: How to Report Multiple Ads that Run for Multiple Days

Your campaign has decided to run ONE radio ad multiple times over the course of one week with the local CEBL radio station. You would need to report the ad with the 1) platform identified, 2) the quantities, and 3) a subject matter description:

- CEBL radio ad that ran from xx/xx/xx-xx/xx/xx, 30-second ad discussing candidate's experience and policy platforms
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If your campaign decided to run SEVEN different ads over the course of a week with CEBL radio, you would need to report them so each individual ad can be distinguished since each ad was not the same as the other six:

CEBL radio ads

1. Ad 1: Ran xx/xx/xxxx, 30-second ad discussing candidate's community roots
2. Ad 2: Ran xx/xx/xxxx, 30-second ad discussing candidate's qualifications
3. Ad 3: Ran xx/xx/xxxx, 30-second ad discussing candidate's agricultural policy
4. Ad 4: Ran xx/xx/xxxx, 30-second ad discussing candidate's vote on HB99
5. Ad 5: Ran xx/xx/xxxx, 30-second ad discussing candidate's fiscal policies
6. Ad 6: xx/xx/xxxx, 30-second ad discussing candidate's educational priorities
7. Ad 7: xx/xx/xxxx, 30-second ad reminding voters to vote on election day

Include an Addendum, if Necessary, to Report Ad Details

PLEASE NOTE that the CERS software limits a "Purpose" description (where you describe a paid communication) to 150 characters.

The earlier expenditure of the seven different CEBL radio ads would definitely surpass the 150 character limit. If you have a similar ad, you can attach an addendum to a report to capture the required detail of a paid communications:

- 1) Platform,
- 2) Quantities, and
- 3) 3) subject matter.

To do this, there are two steps to complete. First, note in the "purpose" description "See addendum." Then, simply email cppcompliance@mt.gov and explain that you have an addendum to add for your campaign finance report that covers xx/xx/xxxx to xx/xx/xxxx and include the missing information. The COPP will upload the addendum's information to the CERS database.

For more details, please see Montana Code Annotated [13-37-229](#) and Administrative Rule of Montana, [44.11.502](#).

REQUIREMENTS FOR REPORTING PAID COMMUNICATIONS

Montana's campaign finance laws protect the public's right to know who is paying to finance elections. Every Montanan must be able to look at any paid political communication and be able to know who financed the material.

As a candidate or committee, you are required to disclose details to ensure transparency. You help ensure this right for Montana voters by reporting paid communications with enough detail so that they are individually distinguishable and can be easily attributed back to their source.



1 PLATFORM

State the digital, radio, or print platform where your communication ran. Was it a Facebook ad? Yard signs? Was it published in the local newspaper? Did you buy a google ad? The medium or platform the communication ran on needs to be specified within the "Purpose" description on the financial report.



2 QUANTITIES

List the number of paid material or materials that ran. Did you run two ads in the local paper? Or boost five Facebook posts? Did you print 200 mailers? The time frame, when available, must be reported. For example, ads in a newspaper, on Facebook, or on a radio station run on a specific timeframe that must be reported (e.g. one boosted Facebook post on fiscal policy from June 8th-20th, 2019).



3 SUBJECT MATTER

Did your ad highlight your education platform? Maybe it covered details about your agricultural policies? Or does your ad share the top five reasons Montanans should vote for you? You must report a description of the ad's content. This description must be specific enough to distinguish it from other potentially similar ads.

<http://politicalpractices.mt.gov/Home/Campaign-Finance-and-Practices/Expenditures-Paid-Communications>